

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<hr/> JOHN L. BYARS, <div style="text-align:right">Plaintiff,</div> <div style="text-align:center">v.</div> THE SCHOOL DISTRICT OF PHILADELPHIA, <u>ET AL.</u>, <div style="text-align:right">Defendants.</div> <hr/>	: : : : : : : : : : :	CIVIL ACTION No. 12-121
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ORDER

AND NOW, this 13th day of August, 2015, upon consideration of the “Motion for Summary Judgment of Defendants the Estate of Dr. Arlene Ackerman, Dr. Leroy Nunery, II, Estelle Matthews, Jamilah Fraser and Shana Kemp” (Doc. No. 128), “Plaintiff’s Memorandum of Law in Opposition to Defendants’ Motion for Summary Judgment” (Doc. No. 135) and “Defendants Estate of Dr. Arlene Ackerman, Dr. Leroy D. Nunery, II, Estelle Matthews, Jamilah Fraser and Shana Kemp’s Reply Memorandum in Support of their Motion for Summary Judgment” (Doc. No. 145), and for the reasons set forth in the accompanying memorandum opinion, it is hereby **ORDERED** that Defendants’ motion is **GRANTED in part** and **DENIED in part** as follows:

- With respect to Count I, judgment is entered in favor of Defendant Nunery.
- With respect to Count II, judgment is entered in favor of Defendants Nunery and Ackerman.
- With respect to Count III, judgment is entered in favor of Defendant Nunery.
- With respect to Count VI, judgment is entered in favor of Defendant Ackerman.
- With respect to Count VII, judgment is entered in favor of Defendant Nunery.

- With respect to Count VIII, judgment is entered in favor of Defendants Nunery and Ackerman.
- With respect to Count XVI, judgment is entered in favor of Defendants Nunery and Ackerman.
- Defendants’ motion is **DENIED** in all other respects.

It is further **ORDERED** that a telephone conference to discuss trial scheduling and other pretrial matters is **SCHEDULED** for 10:30 a.m. on Wednesday, September 2, 2015. Counsel for Plaintiff shall initiate the call prior to contacting Chambers.

BY THE COURT:

/s/ Mitchell S. Goldberg

Mitchell S. Goldberg, J.